

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TOMITA TECHNOLOGIES USA, LLC, and TOMITA  
TECHNOLOGIES INTERNATIONAL, INC.,

Plaintiffs,

v.

NINTENDO CO., LTD. and NINTENDO OF AMERICA  
INC.,

Defendants.

11 Civ. 04256 (JSR)  
ECF Case

**STIPULATION AND ORDER  
AUTHORIZING TAKING DEPOSITIONS IN JAPAN**

To any Consul or Vice Consul of the United States Consulate Osaka-Kobe:

Upon the application of Plaintiffs and Defendants and pursuant to Article 17 of the United States-Japan Consular Convention, it is ORDERED that the depositions on notice of the following witnesses be taken at the United States Consulate in Osaka-Kobe, Japan:

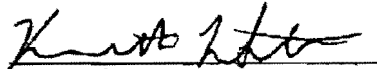
Yasuyuki Asada, Ryohei Fujita, Kazuki Hirose, Fumihiko Inoue, Yuichiro Ito, Tomohisa Kawakami, Tsuyoshi Kiyuna, Hideki Konno, Yutaka Murakami, Takeshi Nishikawa, Masahiro Nitta, and Ryuji Umezu of Nintendo Co., Ltd. and Seijiro Tomita of Tomita Technologies International, Inc. and Tomita Technologies USA, LLC and commencing on or about December 5, 2011 at 9:00 a.m. and terminating on or about December 9, 2011 at 5:00 p.m., and to mark any documentary exhibits in connection therewith.

Counsel for Defendant Nintendo Co., Ltd. who will participate in said depositions are James S. Blank, Stephen J. Elliott and Scott G. Lindvall; counsel for Plaintiffs who will participate in said depositions are Joseph Diamante, Kenneth Lawrence Stein and Alexander

Solo; and, Plaintiffs' interpreter will be Linda Harriet Bledstein. The proceedings will be reported and/or videotaped by Christopher Sheppard Hanlon, Peter Wai Kwong Au, Jeffrey Marc Menton, Randell Buckler, Deborah Marshall, Jodi Harmon, Melanie Louise Giamarco, Tracey LoCastro and/or Randi Birnhak with American Realtime Court Reporters. Please cause the testimony of said witnesses to be reduced to writing and the depositions signed by said witnesses and annex said deposition testimony to your commission and close the same under your seal and make return thereof to this Court with all convenient speed.

SO STIPULATED AND AGREED.

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*Attorneys for Plaintiffs*

Dated: 11/3/11

SO ORDERED.

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*Attorneys for Defendants*

Dated: November 3, 2011

  
JED-B. RAKOFF, U.S.D.J.

Dated: New York, New York  
November 3, 2011